

FILED
JAMES BONINI
CLERK

04 JUN 28 AM 11:57

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

TED MARCUM, : CASE NO. C-1-02-425
PETITIONER,
VS. : HERMAN JUDGE WEBER
OHIO ADULT PAROLE
AUTHORITY ET AL., : MAGISTRATE JUDGE BLACK
RESPONDENT.

MOTION TO EXTEND TIME UP TO
SEPTEMBER 19TH, 2004, ON THE FILING
OF PETITIONER'S OBJECTIONS TO
THE MAGISTRATE'S REPORT

TED MARCUM
239 N. 9TH STREET
HAMILTON, OHIO 45011

MR. STUART A. COLE
ASSNT. OHIO ATTY. GEN.
150 EAST GAY STREET
COLUMBUS, OH 43215

(PRO SE, PETITIONER)

(COUNSEL FOR RESPONDENT)

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MEMORANDUM

ON JUNE 19TH, 2004, HALLIE MAY MARCUM (PETITIONER'S MOTHER) SIGNED A "RECEIPT" FOR "CERTIFIED MAIL" SENT TO: TED MARCUM, THE PETITIONER, AT THE PETITIONER'S HOME RESIDENCE.

ON JUNE 20TH, 2004, PETITIONER'S MOTHER VISITED TED AT: THE BUTLER COUNTY JAIL, AND INFORMED TED THAT SHE "SIGNED" THE "RECEIPT" FOR THE CERTIFIED LETTER THAT THE CLERK OF COURT, FOR THE U.S. DISTRICT COURT, SENT TO TED AT: TED'S HOME RESIDENCE.

DURING THE "VISIT," TED ASKED HIS MOTHER TO "OPEN" THE CERTIFIED LEGAL LETTER. INSIDE THE ENVELOPE WAS AN ORDER OR REPORT OR RECOMMENDATION, DECIDED BY MAGISTRATE JUDGE TIMOTHY S. BLACK, PERTAINING TO PETITIONER'S HABEAS CORPUS ISSUES. HOWEVER, IN LIGHT OF THE FACT THAT PETITIONER WAS NOT ALLOWED TO READ THE MAGISTRATE JUDGE'S RULING, DUE TO THE FACT THAT THE JAILER AT

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THE BUTLER COUNTY JAIL REFUSED TO ALLOW MRS. MARCUM TO LEAVE THE LEGAL MAIL WITH THE DESK-CLERK FOR FORWARDED TO TED TO READ, PRECLUDED TED FROM KNOWING OF THE CONTENTS INSIDE OF THE CERTIFIED LETTER.

HOWEVER, MRS. MARCUM TOLD TED THAT SHE WOULD "IMMEDIATELY MAIL" THE LEGAL PAPERS TO TED THE NEXT FOLLOWING DAY.

AS OF TODAY'S DATE, TUESDAY, JUNE 22, 2004, TED HAS NOT RECEIVED THE CERTIFIED MAIL LEGAL PAPERS. ASSUMING THE LEGAL PAPERS CONTAIN A FINAL REPORT AND RECOMMENDATION BY THE MAGISTRATE JUDGE... AND CONSIDERING THE FACT THAT THERE IS A SHORT "TEN DAY" PERIOD INVOLVED ON EITHER: FILING AN "OBJECTION" TO THE REPORT AND RECOMMENDATION, OR ON FILING A MOTION FOR AN "EXTENTION OF TIME"... THIS PETITIONER ADOPTS THE LATTER ON FILING THIS MOTION TO "EXTEND TIME" ON THE FILING OF ALL "OBJECTIONS" TO THE ORDER, REPORT, AND RECOMMENDATION, TO BE EXTENDED UP

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TO SEPTEMBER 19TH, 2004.

IN SUPPORT OF PETITIONER'S REQUEST TO EXTEND TIME ... HE POSES FOUR VALID REASONS: (1) PETITIONER IS CURRENTLY IN THE BUTLER COUNTY JAIL ON A MISDEMEANOR CONVICTION. PETITIONER IS NOT EXPECTED TO BE RELEASED NO SOONER THAN JULY 28TH, 2004, PROVIDED AND UNLESS THE OHIO ADULT PAROLE AUTHORITY CHOOSES TO KEEP THE PETITIONER IN JAIL FOR EXTENDED PERIOD BEYOND THAT JULY 28TH, 2004, DATE., (2) PETITIONER DOES NOT HAVE ANY MEANINGFUL ACCESS TO A LAW LIBRARY AT THIS PRESENT TIME AT THIS COUNTY JAIL FACILITY., (3) PETITIONER HAS NOT YET READ OR SEEN THE MAGISTRATE JUDGE'S REPORT AND/OR RECOMMENDATION., AND (4) IN LIGHT OF THE FACT THAT THE PETITIONER HAS ASSERTED A HUGE NUMBER OF CLAIMS (WHICH REQUIRE A SIGNIFICATE AMOUNT OF TIME, AND RESEARCH, AND BRIEFING) ... IT IS SPECIFICALLY REQUESTED BY THIS PETITIONER, TED MARCUM, FOR AN "EXTENTION OF TIME" TO BE ENLARGED UP TO SEPTEMBER 19TH, 2004, ON THE

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FILING OF ALL "OBJECTIONS" TO THE ORDER,
REPORT, AND/OR RECOMMENDATION.

IN CONCLUSION, PETITIONER ADDS IN
FURTHER SUPPORT: THE PETITION FOR HABEAS
CORPUS RELIEF., AND THE "TWO-PART TRAVERSE"
THAT THE PETITIONER FILED, DID RAISE A
NUMBER OF EXTRAORDINARY CLAIMS, WHICH
WILL REQUIRE A SIGNIFICATE AMOUNT OF TIME
TO THOROUGHLY RESEARCH AND LITIGATE, AND
INCLUDING THE TRIAL COURT TRANSCRIPT
RECORD OF PROCEEDINGS, IT BE RESPECTFULLY
REQUESTED FOR AN "EXTENTION OF TIME"
TO BE EXTENDED UP TO SEPTEMBER 19, 2004.

RESPECTFULLY SUBMITTED

Ted Marcum

CERTIFICATE OF SERVICE

THIS IS HEREBY TO CERTIFY TO THAT
A TRUE COPY OF THE FORGOING MOTION HAS
BEEN SENT TO MR. STUART A. COLE, ASSNT.
ATTY. GENERAL, AT: 150 EAST GAY STREET,
COLUMBUS, OHIO 43215, ON THIS 22 DAY
OF JUNE, 2004, BY REGULAR U.S. MAIL.

Ted Marcum

TED MARCUM, PRO SE